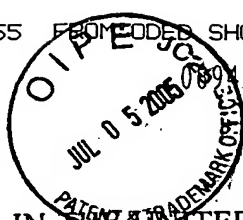


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LEVAVA ROIZ ET AL.

Serial No.: 10/069,454

Filed: February 26, 2002

For: METHODS OF AND COMPOSITIONS
FOR INHIBITING THE
PROLIFERATION OF MAMMALIAN
CELLS §

Examiner: CHEN, Shin-Lin, Ph.D.

Commissioner for Patents
P. O. Box 1450 Alexandria VA 22313

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Group Art Unit: 1632

Attorney
Docket: 02/23357

DECLARATION OF PROF. ODED SHOSEYOV UNDER 37 CFR 1.132

I am presently employed as researcher at The Hebrew University of Jerusalem, Faculty of Agriculture, Institute of Plant Sciences and Genetics in Agriculture, where I am an Associate Professor. I received my Ph.D. degree from the The Hebrew University of Jerusalem in 1998, worked as a post-doctoral fellow in University of California Davis, and was a visiting Professor at University of British Colombia. A curriculum vitae is enclosed.

My research focuses on protein engineering. Since the beginning of my career, I have published 90 scientific articles in highly regarded journals and books, and have presented my achievements at many international scientific conferences.

I am a co-inventor of the subject matter claimed in the above-referenced U.S. patent application.

I have read the Official actions issued with respect to the above-identified application.

In this Official action, the Examiner has rejected claims 1-7, 15, 16, 19, 45-52

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and 61-62 under 35 U.S.C. § 112 first paragraph based on the contention that the specification does not enable the ordinarily skilled artisan to practice the invention commensurate in scope with the claims, namely whereby the RNase is any of various RNases of the T2 family having actin-binding activity.

The Appendix section enclosed herewith describes experimental results obtained by the present inventors illustrating that the specification indeed provides adequate teachings enabling one of ordinary skill in the art to practice the invention over the full scope of the claims, in sharp contrast to the Examiner's contention that it does not. Namely, results set forth in the Appendix section conclusively demonstrate such teachings, specifically whereby members of the T2 RNase family derived from highly phylogenetically divergent sources, including the prokaryote-derived RNase I, the fungal (*A. oryzae* and *A. niger*)-derived RNase T2 and B1, respectively, or the mammalian/human-derived RNase 6PL, are shown to:

- (i) have actin-binding activity (Appendix, Figs. 1 and 2);
- (ii) inhibit pollen-tube elongation (Appendix, Fig. 3 and Table 1);
- (iii) inhibit HUVEC tube formation (Appendix Fig. 4);
- (iv) inhibit proliferation of Human Colon Cancer cells (Appendix, Fig. 5 and Table 2); and
- (v) inhibit Human Colon Cancer cells tumorigenicity in vivo (Appendix, Fig. 6).

These results conclusively prove that RNases of the T2 family having actin binding activity of diverse phylogenetic origin, as described and claimed in the instant application can indeed be utilized to practice the invention over the entire scope claimed, thereby overcoming the rejections of claims 1-7, under 35 U.S.C. § 112, first paragraph.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

June 23, 2005



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Enc.:

CV of Oded Shoseyov and Appendix